

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 15, 2009

- D053112 People v. Navarro**
The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.
- D053726 People v. Ellis**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)
- D050842 People v. Eliseo**
The petition for rehearing is denied.
- D053113 People v. Beason**
The judgment is reversed as to the receiving stolen property conviction, and in all other respects is affirmed. The trial court is directed to strike the receiving stolen property conviction and to send a copy of a corrected abstract of judgment to the Department of Corrections and Rehabilitation.
Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.
- D053717 K2 Construction, Inc. v. Anjani Investments, Inc.**
The order awarding K2 its attorney fees on the prior appeal is affirmed. The parties are to each bear their own costs and fees.
McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.
- D054998 Edgar M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.
- D055204 Selinger v. Carlsbad Auto Service, Inc., et al.**
Request for permission to appeal received by this court on June 15, 2009, is denied. (Code Civ. Proc section 391.7, subd. (b).) The appeal filed with the superior court on May 28, 2009, is dismissed. The "Motion to Vacate This Court's CCP 391.7 Order Filed June 3, 2009" is denied as moot.

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- D052982 Finkelstein v. Bastuba**
Judgment affirmed. Bastuba to recover costs on appeal.
Benke, J.; We Concur: McConnell, P.J., Nares, J.
- D054102 In re Zachary W., a Juvenile**
The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.
- D052423 People v. Romero**
The judgment and sentence are affirmed.
Benke, J.; We Concur: McConnell, P.J., Nares, J.
- D053261 People v. Mirenda**
The judgment of dismissal is affirmed. CERTIFIED FOR PUBLICATION.
Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.
- D054751 People v. McMoran**
The judgment is ordered modified to impose a Penal Code section 1202.45 parole revocation fine of \$4,300. As modified, the judgment is affirmed.
The trial court is directed to amend its December 21, 2007 minutes and the abstract of judgment in accordance herewith and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
McIntyre, J.; We Concur: McConnell, P.J., Nares, J.
- D053081 People v. Day**
The judgment is modified by striking the \$680 fine and penalty assessments, and substituting the amount of \$580 for the fine and penalty assessments.
(See fn. 3, *ante*.) In all other respects, the judgment is affirmed.
Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.
- D055113 In re Burnett on Habeas Corpus**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE

June 16, 2009 (Continued)

D055234 In re Alvarez on Habeas Corpus

The petition for writ of habeas corpus has been read and considered by Justices Benke, Huffman and Irion. We take judicial notice of direct appeal D052981. Maria Alvarez filed this petition for writ of habeas corpus charging that her trial attorney failed to provide effective assistance of counsel. She concedes she has not sought habeas relief in any court. "[B]oth trial and appellate courts have jurisdiction over habeas corpus petitions, but a reviewing court has discretion to deny without prejudice a habeas corpus petition that was not filed first in a proper lower court." (*In re Steele* (2004) 32 Cal.4th 682, 692.) Application for writ relief should be made in the lower court in the first instance. The petition is denied without prejudice to refiling in San Diego County Superior Court, 220 West Broadway, San Diego, California 92101.

D055224 Riney v. Safeway, Inc., et al.

The petition for writ of supersedeas and request for immediate stay have been read and considered by Justices Benke, Huffman and Irion. The petition is denied for the failure to provide an adequate record for review—specifically for the failure to include documents from the trial court proceedings that are necessary for proper consideration of the petition. (Cal. Rules of Court, rule 8.112(a)(1)(C).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
June 17, 2009

- D054477 In re Ricchio on Habeas Corpus**
The petition is denied.
- D055261 Universal Casualty Company v. The Superior Court of Imperial
County/Cornejo, Minors, etc. et al.**
The petition is denied.
- D054922 In re Brown on Habeas Corpus**
The petition is denied.
- D054239 In re Carla S., a Juvenile**
The judgment is affirmed. Aaron, J., We Concur: Nares, Acting P.J., McDonald, J.
- D054911 In re Brown on Habeas Corpus**
The petition is denied.
- D055072 Levy v. The Superior Court of San Diego County/Osteopathic Medical Board
of California**
The petition is denied.
- D053574 Conservatorship of the Person and Estate of Becerra**
The order is affirmed. Appellant shall pay the ordinary costs on appeal.
Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.
- D052966 People v. Flores**
The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.
- D053321 In re Estate of Hazewinkel**
The petition for rehearing is denied.

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FOURTH APPELLATE DISTRICT
DIVISION ONE
June 18, 2009

- D053920 In re Johanna G. et al., Juveniles**
The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.
- D054122 Speights v. City of Oceanside et al.**
The judgment is affirmed.
O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.
- D053132 Janoe v. Necuik et al.**
The judgment is affirmed.
O'Rourke, J.; I Concur: Huffman, Acting P.J.; I Concur in the Result: McDonald, J.
- D052753 People v. Reyes**
The judgment is affirmed.
O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.
- D053570 In re Ivan P., a Juvenile**
The judgment is affirmed.
McDonald, J., We Concur: Benke, Acting P.J., Huffman, J.
- D053096 Loeffler v. Medina**
The trial court's order is affirmed. CERTIFIED FOR PUBLICATION.
Irion, J.; We Concur: Huffman, Acting P.J., McIntyre, J.
- D053245 People v. Chhoeur**
The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., Aaron, J.
- D054580 In re I.W., a Juvenile**
The appeal is dismissed.
Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.
- D054729 Canterbury v. Kuennecke**
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

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FOURTH APPELLATE DISTRICT
DIVISION ONE
June 19, 2009

- D055027 In re G.F., a Juvenile**
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D054714 Y.H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The petition is denied. The request for stay is denied.
Nares, J.; We Concur: Benke, Acting P.J., Irion, J.
- D053446 Conservatorship of the Person of T.H.**
The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.
- D055239 In re Rio on Habeas Corpus**
The petition is denied without prejudice to refiling in San Diego County Superior Court, 220 West Broadway, San Diego, California 92101. The clerk is directed to retain one copy of the petition for our records and return the original petition and all other copies to Del Rio, so he may file them in the appropriate court. The clerk is further directed to send a copy of the petition and this order to Gary R. Nichols, deputy public defender, 233 A Street, Suite 500, San Diego, California 92101.
- D054387 Feneis v. Mathews**
The judgment is affirmed. Mathews shall recover her costs on appeal.
Nares, J.; We Concur: McConnell, P.J., McIntyre, J.